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CC 92-77

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

IN REPLY REFER TO:

November 15, 1994

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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The Honorable Roscoe Bartlett  
U.S. House of Representatives  
312 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Bartlett:

Thank you for your letter on behalf of Sheriff Charles F. Madeo of Washington County, Maryland, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice sought comment on this analysis and asked interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invited parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost. Reply comments were due September 14, 1994. Presently, the Commission is evaluating the comments submitted and considering the implementation of BPP along with other options.

The Further Notice also explicitly sought comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice sought additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also sought comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

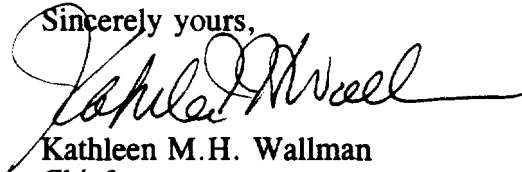
BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable Roscoe Bartlett  
Page 2

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,



Kathleen M.H. Wallman  
Chief  
Common Carrier Bureau

Enclosures

ROSCOE G. BARTLETT

6TH DISTRICT, MARYLAND

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SCIENCE, SPACE, AND TECHNOLOGY

SUBCOMMITTEES:

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2006**

September 9, 1994

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The Honorable Reed H. Hundt  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

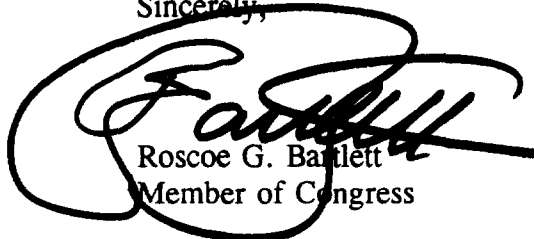
Dear Chairman Hundt:

I would like to bring to your attention a letter from Sheriff Charles F. Mades of Washington County, Maryland.

I have enclosed a copy of this letter which was addressed to you for your review. A copy was sent to me in my Washington Office for my information. It is my hope that you give every consideration to Sheriffs Mades opposition to billed party preference. As a Sheriff, I am sure that you can understand that he understands the need of families yet the responsibility to maintain the security for our prisoners.

Thank you in advance for your attention in this matter. I understand the demands on your time, however, I believe that we must try to balance family needs and safety. I look forward to your reply as I am sure Sheriff Mades does as well.

Sincerely,



Roscoe G. Bartlett  
Member of Congress

RGB:ekf

United States House of Representatives  
312 Cannon House Office Building  
Washington, D.C. 20515

DATE:

9/19/94~~TO~~FCC Cong. Affairs

OFFICE:

FCC

FAX NUMBER:

418-2804

FROM:

Elise Finkley

NUMBER OF PAGES (including coversheet)

3

COMMENTS:

Thank You -Attachment for Sheriff's Meads

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WASHINGTON COUNTY**

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FAX: (301) 791-3349

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TEXT

Sheriff  
Charles F. Medes



July 22, 1994

The Honorable Reed E. Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

*Jim Chalke*

Re: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Chairman Hundt:

We are opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmates calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would allow also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.



RECYCLED PAPER

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. We urge you to not adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,

Shiff Charles F. Moore  
Name / Title

Washington County Detention Center

Name of Correctional Facility

500 Western Maryland Parkway  
Hagerstown, Maryland 21740

Address